

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JEREMY R. MARTIN,	)	
	)	
Plaintiff, pro se,	)	
	)	
v.	)	
	)	1:09CV876
FREDERICK HUBBARD, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On November 17, 2009, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed, and notice was served on the parties in this action, and a copy was given to the court.

Within the time limitation set forth in the statute, Plaintiff objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

**IT IS HEREBY ORDERED** that this action be **DISMISSED** sua sponte without prejudice to Plaintiff filing a new compliant on the proper § 1983 forms. A judgment dismissing this

action will be entered contemporaneously with this Order.

This the 16th day of September 2010.

William L. Oshun, Jr.  
United States District Judge